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INCORPORATED

LAW DEPARTMENT
PATENT SECTION

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17 December 1980

Howard K. Kothe, Esq.
Watson, Leavenworth, Kelton & Taggart
100 Park Avenue
New York NY 10017

RE:

BARCLAY U.S. SITUATION


Dear Howard:

Based on our discussion yesterday, I understand you already have a copy of the specification, original claims and drawings of our case PM 706 (U.S. Serial No. 853146) which was filed on 18 November 1977 and subsequently abandoned in the face of a final rejection. I now enclose copies of various prior art patents in two groups, one being those cited of record in PM 706 and the other being additional items of possible pertinence to the Barclay patent prospects. You already have the published German application on the Barclay product.

I'm presently overseeing the foreign aspects per Lee Pollak's instructions. That will enable us to coordinate the overall effort for consistency, and to avoid any undesirable repercussions in this country. Consequently, as the next step, I'd like you to review the enclosed materials in terms of their effect on the likelihood of B&W being allowed any claims in their U.S. application (Serial No. 29230 filed 4 April 1979) on which the published German application is based. You'll be interested, also, that none of our foreign cases based on PM 706 was published before B&W's U.S. priority date.

At this stage I'm not sure whether you need to be prepared to give us a formal opinion but at least be ready within a week or so (soon after the holidays) to give me a preliminary idea of what you are able to conclude about the strength or weakness of B&W's U.S. position.

Very truly yours,


Arthur I. Palmer, Jr.

ch
cc: C. Adkins
L. Pollak
F. Resnik

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